IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 5123 OF 2005.
IN
FIRST APPEAL NO. 300 OF 2005.

Subhash Ratilal Bhayani. ... Appellant.
Versus.
Smt.Sunanda Madhukar Shitole & ors. ... Respondents.

Ms.Nisha Valani for the Appellant.

Shri R.S.Kate for the Respondents Nos.1 to 5.

CORAM : ABHAY S.OKA, J.

DATED : 16th January, 2007.

P.C.:

1. The Advocate for the Applicant states that a sum of Rs.2,20,725/- has been deposited in this Court. Considering the facts and circumstances of the case, the original Claimant will have to be permitted to withdraw a substantial amount on furnishing security.

2. Hence the Civil Application is disposed of by the following order:

i) There will be interim relief in terms of prayer clause (b). The 1st Respondent is permitted to withdraw a sum of Rs.25,000/- subject to giving an undertaking to this Court to bring back the amount with appropriate rate of interest in case the Applicant succeeds in the First Appeal.

ii) The 1st Respondent on behalf of the 2nd to 5th Respondent is permitted to withdraw a further sum of Rs.1,50,000/- subject to furnishing adequate security to the satisfaction of the Registrar (Judicial-I) of this Court. The Applicant will be heard before accepting the security.

iii) The rest of the amount will be invested in a fixed deposit in any nationalised bank initially for a period of three years and thereafter the fixed deposit be renewed from time to time till disposal of the First Appeal.

Judge.